

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JAMES S. BERNAT,	)	
	)	
Plaintiff,	)	
v.	)	C.A. NO. 04-40058-NMG
	)	
GENTEX OPTICS, INC.,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF JAMES S. BERNAT'S**  
**LR, D. Mass. 16.1(D)(3) CERTIFICATION**

In accordance with the provisions of LR, D. Mass. 16.1(D)(3), James S. Bernat, the Plaintiff in this action and Ian O. Smith, counsel for the Plaintiff, hereby certify that we have conferred:

- (a) with a view to establishing a budget for the costs of conducting the full course --- and various alternative courses ---- of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR, D. Mass. 16.4.

Dated: October 26, 2004

/s/ Ian O. Smith  
Ian O. Smith  
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Dated: October 24, 2004

/s/ James S. Bernat  
James S. Bernat  
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